1952.

File No. Cr. Law Amendment II/52(N)

Legal Department
B BRANCH

Subject:— Notifications under the Criminal Law Amendment Act, 1952.

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File No Cr. Law Amendment II/52(N)

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Legal Department.

Section 6 of the Criminal Law (Amendment) Act, 1952, empowers the State Government to appoint as many Special Judges as may be necessary for such area or areas as may be specified in the notification to try certain offences specified in that section. The proposal of the Home Department in consultation with the High Court, is that all serving Sessions Judges including the Sessions Judges of Greater Bombay, Additional Sessions Judges and Assistant Sessions Judges should be appointed as Special Judges under section 6 of the Act for their respective areas and to try the offences mentioned in the section. Under this proposal, it will appear that there are more than one Sessions Judge for the same area. Sub-section (2) of section 7 of the Act, however, provides that every offence specified in sub-section (1) of section 6 shall be tried by the Special Judge for the area within which it was committed, or where there are more Special Judges than one for such area, by such one of them as may be specifed in this behalf by the State Government. It will thus appear that the provisions of section 6 of the Act are further controlled by sub-section (2) of section 7 of the Act under which only one such Special Judge out of more Special Judges as may be specified in that behalf by the State Government is competent to try an offence specified in sub-section (1) of section 6. Section 10 of the said Act further provides that all cases triable by a Special Judge under section 7 which, immediately before the commencement of this Act were pending before any Magistrate shall, on such commencement, be forwarded for trial to the Special Judge having jurisdiction over such cases. Unless therefore, a further order is issued by the State Government under sub-section (2) of section 7 of the Act as to which of the three Special Judges appointed for the area is to try an offence specified in section 6(1) only

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a notification under section 6 would not be sufficient as proposed by the Home Department. The Home Department therefore, may consider whether the Sessions Judges, Additional Sessions Judges and Assistant Sessions Judges are to be appointed for the same area or for different areas in the same district. If the latter proposal is accepted there will be no necessity of issuing a further order under sub-section (2) of section 7 of the Act.

Id/-
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Additional Deputy Secretary to Government.

U.R. to H.D.,No. 14521, dated the 6th September 1952.

BXS. 2/7/ 4c.